

## State Comparison: Immunity From Prostitution Charges For Domestic Minor Sex Trafficking Victims

| State          | Minors under 18 are expressly immune from prostitution charges <sup>1</sup>                                | Minors and/or sex trafficking victims may assert an affirmative defense to prostitution charges <sup>2</sup> |
|----------------|--|--|
| Alabama        | No   | Yes  |
| Alaska         | No   | No   |
| Arizona        | No   | No   |
| Arkansas       | No   | No   |
| California     | No   | No   |
| Colorado       | No   | No   |
| Connecticut    | Yes, if minor is under 16.   | Presumption of coercion if minor is 16 or 17.  |
| Delaware       | No   | No   |
| DC             | No   | No   |
| Florida        | No   | No   |
| Georgia        | No   | Yes  |
| Hawaii         | No   | No   |
| Idaho          | No   | No   |
| Illinois       | Yes  | n/a  |
| Indiana        | No   | No   |
| Iowa           | No   | Yes  |
| Kansas         | No   | No   |
| Kentucky       | No   | No   |
| Louisiana      | Yes (under juvenile code, if child is a trafficking victim)  | Yes (criminal code)  |
| Maine          | No   | No   |
| Maryland       | No   | No   |
| Massachusetts  | No   | Yes  |
| Michigan       | Yes, if minor is under 16.   | No (if 16 or 17)   |
| Minnesota      | Yes (under juvenile code, if minor is under 16)  | n/a  |
| Mississippi    | No   | No   |
| Missouri       | No   | Yes  |
| Montana        | No   | No   |
| Nebraska       | No   | No   |
| Nevada         | No   | No   |
| New Hampshire  | No   | Yes  |
| New Jersey     | No   | Yes  |
| New Mexico     | No   | No   |
| New York       | No   | Presumption minor is a victim.   |
| North Carolina | No   | No   |
| North Dakota   | No   | No   |
| Ohio           | No   | No   |
| Oklahoma       | No   | Yes  |
| Oregon         | No   | No   |
| Pennsylvania   | No   | No   |
| Rhode Island   | No   | Yes, but proof of force required.  |
| South Carolina | No   | Yes  |
| South Dakota   | No   | Yes  |
| Tennessee      | Yes  | n/a  |
| Texas          | No <sup>3</sup>  | Yes  |
| Utah           | No   | No   |
| Vermont        | Immune under criminal code; not immune under juvenile code, unless identified as a sex trafficking victim. | Yes, but proof of force, fraud or coercion required.   |
| Virginia       | No   | No   |
| Washington     | No   | Yes  |
| West Virginia  | No   | No   |
| Wisconsin      | No   | No   |
| Wyoming        | No   | No   |
| <b>TOTALS:</b> | <b>7</b>   | <b>16</b>  |

<sup>1</sup> See Component 5.3 of the Protected Innocence Challenge Methodology: [http://sharedhope.org/wp-content/uploads/2012/09/SHI\\_ProtectedInnocence\\_Methodology\\_FINAL.pdf](http://sharedhope.org/wp-content/uploads/2012/09/SHI_ProtectedInnocence_Methodology_FINAL.pdf). This chart is solely based on statutory law and does not reflect regulatory or practice-based responses by state juvenile justice agencies. Evaluations of state laws are based on legislation enacted before August 1, 2012 discussed in the 2012 Protected Innocence Challenge Report and supporting analysis for each state, available at <http://sharedhope.org/what-we-do/bring-justice/state-by-state-grades/>.

<sup>2</sup> *Id.*

<sup>3</sup> Caselaw indicates that minors under 14 may not be charged with prostitution.